

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEJANDRO VELASQUEZ MENDOZA,

Plaintiff,

v.

MICKEY C ALVIS et al.,

Defendants.

CASE NO. 2:22-cv-00924-TL-SKV

ORDER ON MOTION FOR
ATTORNEY FEES

This was a civil rights action brought under 42 U.S.C. § 1983 (Dkt. No. 1) which was dismissed on April 26, 2024 (Dkt. Nos. 55, 56). This matter is before the Court on Plaintiff Alejandro Velasquez Mendoza's Motion for Attorney Fees. Dkt. No. 60. Having considered the motion and the relevant record, the Court DENIES Plaintiff's motion.

The Court presumes familiarity with the procedural history of this case. The Court dismissed Plaintiff's amended complaint and this action without prejudice on April 26, 2024. Dkt. Nos. 55, 56. Four months later, Plaintiff filed the instant motion for attorney fees. Plaintiff states that the damages from his civil complaint are "still withstanding therefore I would like to

1 request Attorney Fees for representing my own litigation and the weight represented under
2 deranged conditions.” Dkt. No. 60 at 1.

3 Attorney fees are available in a Section 1983 case, but only to a prevailing party. 42
4 U.S.C. § 1988(b). The attorney fee provision states: “In any action or proceeding to enforce a
5 provision of section[] 1983... of this title..., the court, in its discretion, may allow the *prevailing*
6 *party*, other than the United States, a reasonable attorney’s fee as part of the costs.” *Id.* (emphasis
7 added). A “prevailing party” is one that “obtain[s] a judgment that creates a ‘material alteration
8 in the legal relationship of the parties.’” *See Citizens for Free Speech, LLC v. Cnty. of Alameda*,
9 953 F.3d 655, 658 (9th Cir. 2020) (quoting *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep’t*
10 *of Health & Hum. Res.*, 532 U.S. 598, 604–05 (2001)).

11 In this case, Plaintiff did not obtain a judgment at all. Indeed, Plaintiff’s case was
12 dismissed, albeit without prejudice. *See* Dkt. Nos. 55, 56. As Plaintiff is not a prevailing party,
13 Plaintiff cannot obtain attorney’s fees. Therefore, the Court DENIES Plaintiff’s motion.

14 Dated this 18th day of November 2024.

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Tana Lin
17 United States District Judge
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